

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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JAMES DEL CONTE,

Plaintiff,

vs.

BOROUGH OF AMBLER, BRUCE JONES:

and AFSCME, DISTRICT COUNCIL 88

LOCAL 317-M

Defendants.

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**NOTICE TO PLAINTIFF**

**PLEASE TAKE NOTICE** that on November 29, 2005, Defendants, Borough of Ambler and Bruce Jones, by and through their undersigned counsel, Deasey, Mahoney & Bender, Ltd., have filed a Notice in the United States District Court for the Eastern District of Pennsylvania for the removal of this action, now pending in the Court of Common Pleas of Montgomery County, Pennsylvania, entitled *James DelConte v. Borough of Ambler, et. al., CCP Montgomery County, Docket No. 05-25154.*

A copy of said Notice of Removal is attached to this Notice and is hereby served upon you.

**DEASEY MAHONEY & BENDER, LTD.**

By /s/ CM853

CARLA P. MARESCA

*Attorneys for Defendants*

Dated: \_\_\_\_\_

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**PETITION FOR REMOVAL**

Defendants by their undersigned counsel, Deasey, Mahoney & Bender, Ltd., hereby petition this Court as follows, pursuant to 28 U.S.C. §1332 et seq.:

1. Plaintiff filed a civil action complaint against the above-referenced defendants on or about November 16, 2005. See Civil Action Complaint attached hereto as Exhibit "A".

2. The subject matter of the lawsuit involves the First Amendment of the United States Constitution and 28 U.S.C. Section 1983. See Exhibit "A".

3. Pursuant to 28 U.S.C. §1331, the federal district courts have subject matter jurisdiction over the above-referenced matter.

**WHEREFORE**, the Petitioner prays that the State Court Action be removed from the Pennsylvania Court of Common Pleas for Montgomery County to this United States District Court for the Eastern District of Pennsylvania for proper and just determination.

**DEASEY MAHONEY & BENDER, LTD.**

Dated: \_\_\_\_\_

By /s/ CM853  
CARLA P. MARESCA  
*Attorneys for Defendants*

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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the Petition for Removal to counsel listed below via United States First Class Mail, postage prepaid:

David P. Bateman, Esquire  
**BATEMAN CALIENDO LLC**  
420A Dresher Road  
Horsham, PA 19044

Dated: \_\_\_\_\_

By /s/ CM853  
CARLA P. MARESCA  
*Attorneys for Defendants*